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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,909	04/17/2001	Hooshang Kaen	6218-3	7774
27383	7590	03/24/2006	EXAMINER	
CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131			HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/836,909	KAEN, HOOSHANG	
	Examiner	Art Unit	
	Lalita M. Hamilton	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12032001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 23-24 been renumbered 23-25.

Claims 23-25 are objected to because of the following informalities: There are two claims numbered "23". Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

35 USC 101 requires that in order to be patentable the invention must be a "new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof" (emphasis added).

Claims 23-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a non-statutory subject matter. Specifically the method claims as presented do not claim a technological basis in the pre-amble and the body of the claim. Without a

claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the body of the claim structural / functional interrelationship which can only be computer implemented is considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) - used only for content and reasoning since not precedential].

The use of a "computer data signal embodied in a digital stream" is directed to non-statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Friedland (6,449,601).

Friedland discloses a method and corresponding system and computer program for live auctions comprising transmitting over a computer communications network a description of a piece of property to be auctioned and a real time video image of a scene depicting a live auction of the property, receiving a bid for the property via the computer communications network, presenting the bid to an auctioneer, and

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transmitting a notification of a winning bid (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); transmitting a video image of the property (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); calculating a highest bid received via the computer communications network and presenting the highest bid to an auctioneer involved in auctioning the property (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); the presentation of the highest bid to the auctioneer is accomplished with an electronic display (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); the presentation of the highest bid to the auctioneer is accomplished via a surrogate bidder (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); capturing real time video images of multiple scenes depicting the live auction, and making the multiple real time images available via the computer communications network (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); verifying the financial credibility of a bidder submitting a bid (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); tracking multiple auctions with corresponding images and bids, processing a bid is received for a particular property, and transmitting the bid to a corresponding auction house server (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); a computer server accessible via a computer communications network, wherein the server comprises a memory and a processor, a multimedia device capable of inputting scenes from the live auction into the server, and executable software residing in the server memory wherein the software is operative with the processor to

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cause a scene input by the multimedia device to be transmitted over the communications network, receive a bid via the communications network, and transmit a notification relating a winning bid via the communications network (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); the software is executable on demand via the network access device (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); the network access device comprises a computer (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); network conforms to the transmission control protocol/internet protocol (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); network comprises an intranet (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); a WEB interface for accessing the executable software stored on the server storage medium (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62); and a multimedia device capable of inputting a scene from a live auction into the auction house computer server, and executable software residing in the auction host computer server memory, wherein the software is operative with the processor to cause a scene input by the multimedia device to be transmitted over the communications network, receive a bid for an auctioned property via the communications network, and transmit the bid to the auction house server (col.2, line 44 to col.3, line 42; col.6, line 14 to col.7, line 20; and col.13, lines 15-62).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be the initials 'LMH' with a stylized flourish extending to the right.

LMH